

REMARKS

Claims 2-27 are now pending in the application. Claims 2-4, 6-12, 15, 16, 18, and 19 are currently amended. Claim 1 is cancelled. No claims have been newly added by this amendment. Support for the foregoing amendment can be found throughout the specification, drawings, and claims as originally filed. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 112

Claims 1-18, 19-24, and 26-27 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. Applicant has defined the term "STA" as "station" in the relevant independent claims.

Claims 6, 7, 13, 14, 16, 17, 19, and 25 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. Applicant has defined the term "MIMO" as "Multiple Input Multiple Output" in independent claims 6, 15, and 16 and dependent claims 7 and 19. The rejection should thereby be rendered moot. Therefore, reconsideration and withdrawal of these rejections are respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Souisse (U.S. Pub. No. 2002/0102987 A1; "Souisse") in view of Benveniste (U.S. Pub. No. 2003/0086437 A1; "Benveniste"). Claim 1 has been cancelled, thereby rendering its rejection moot; remaining rejections are respectfully traversed.

Claims 4, 9, and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Souisse in view of Benveniste and Okawa (U.S. Pat. No. 6,842,442 B2; "Okawa"). This rejection is respectfully traversed.

Claims 6, 7, 13, 14, and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Souisse in view of Benveniste, Okawa and Mody (U.S. Pub. No. 2002/0181509 A1; "Mody"). This rejection is respectfully traversed.

Claims 18-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Souisse in view of Benveniste and Kasami (U.S. Pub. No. 2002/0181492 A1; "Kasami"). This rejection is respectfully traversed.

Applicant's invention also relates to a wireless communication method. Of note, applicant's invention is capable of transmitting plural data packets simultaneously between two stations while increasing the throughput even if power leakage occurs between channels. When transmitting plural data packets simultaneously, there is a probability that receipt of acknowledgement packets will fail (refer to Figure 21 and accompanying description). To address this concern, applicant proposes generating plural data packets having the same packet time length. Independent claims 2, 3, 4, 6 and 18 have been amended to further define this aspect of the invention.

In contrast, Souisse relates generally to a method for fragmenting a message and sending the message fragments over multiple independent networks to a single receiving unit. Souisse fails to disclose generating and transmitting plural data packets in the manner recited in the pending claims. In the configurations described in Souisse, a message to be transmitted from a server to a terminal is fragmented, and the message fragments are transmitted over multiple independent networks (e.g., see paragraphs [0038] and [0041] and corresponding to Fig. 4). In Souisse, the transmission speed of each network is optional and thus there is no idea or need to let the packet length of the message to be transmitted over each network having the same packet time length. In other words, this claimed featured of applicant's invention would not be an obvious variant from the teachings on Souisse. Therefore, it is respectfully submitted that independent claims 2, 3, 4, 6 and 18 define patentable subject matter over the combination of Souisse and any of the cited references. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

ALLOWABLE SUBJECT MATTER

The Examiner states that claims 11, 12, 15, and 16 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112 and rewritten in independent form. Accordingly, Applicant has amended claims 11, 12, 15, and 16 to overcome the 112 rejection and to include the limitations of the base claim and any intervening claims. Therefore, these claims should now be in condition for allowance.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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